IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4840 of 2005

Between:

Geetha Khadi Grama Samithi, rep.by its president K.Padmavathi, W/o.Tati Naidu, Akkivaram village, Denkada Mandal, Vizianagaram District.

..... PETITIONER

AND

1 The Govt. of Andhra Pradesh, rep.by its Secretary,

Cooperation Department, Secretariat, Hyderabad.
2 The Deputy Registrar/officer on special Duty, District

Cooperative Central Bank Ltd., rep.by its General
Manager, Vizianagaram, Vizianagaram District.
3 The Senior Inspector / Sale officer, District Cooperative

Central Bank Ltd., Vizianagaram,
Vizianagaram District.
4 The Chief Executive officer, Khadi & Village Industries Board,

Humayun Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus by directing the 2nd respondent to consider the application submitted by the petitioner's society for one time settlement scheme by furnishing the full details of the loan amount forth and the inaction on the part of the respondents in not settling the loan amount by way of one time settlement scheme is illegal, arbitrary and contrary to the procedure prescribed under A.P. Co-op. Societies Act and Rules made thereunder and consequently declare the notice of attachment of immovable property dated 04-03-2005 as illegal and violative of Article 14 and 21 of the Constitution of India and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for the Respondent No1: GP FOR COOPERATION

Counsel for the Respondents2 & 3: Sri K. Srinivasa Murthy

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.No.4840 of 2005

ORAL ORDER:

Heard both sides.

2. The petitioner-Geeta Khadi Grama Samithi, Akkivaram Village, Denkada Mandal, Vizianagaram District, seeks a direction to the second respondent to consider its application made under the scheme viz., “One Time Settlement”, by furnishing the full details of the loan amount, forthwith and for a declaration that the notice of attachment of immovable property, dated
04-03-2005, issued by the third respondent, is illegal and violative of Articles 14 and 21 of the Constitution of India.

3. The facts appear to be that the petitioner is a loanee and a defaulter. It sought for one time settlement and the same was acceded to by the District
Co-operative Central Bank, Vizianagaram (for short
“the Bank).

4. The offer, dated 29-09-2004, for one time settlement had come from the Bank, and the same had been accepted by the petitioner on 30-09-2004. Subsequently, on 17-11-2004, the petitioner addressed a letter to the Bank to give the particulars as regards the principal and interest to be paid by it to the Bank. But, without furnishing any such information and without giving any intimation to the petitioner, the impugned proceedings dated 04-03-2005, have been initiated. Hence, the writ petition.

5 . *Prima facie*, when the proposal for "One Time Settlement" had been made to the petitioner by the Bank itself, and when the same was acceded to by the petitioner, the particulars as well as the terms and conditions of the said one time settlement scheme ought to have been furnished to the petitioner by the Bank.

6. Having made such a proposal and having received the consent to the said proposal from the petitioner, the respondents ought to have proceeded further in the direction of settling the matter under the scheme of one time settlement. But, surprisingly, instead of settling the matter, the respondents have chosen to issue the impugned proceedings wherein and whereby the property of the petitioner was brought to attachment under a sale notice. Therefore, I am of the considered view that this action of the respondents is arbitrary.

7. Having lured the petitioner to settle the matter by way of one time settlement, the respondents cannot now go back and, all of a sudden, pass the impugned order.

8. In this connection, it is submitted that the petitioner made a representation, dated 30-09-2004, to the respondents, and the same

had neither been considered nor responded to by the respondents either accepting or rejecting the same.

9. Therefore, having regard to the facts and circumstances, the respondents are directed to consider the representation of the petitioner dated 30-09-2004, and pass appropriate orders thereon under intimation to the petitioner as expeditiously as possible.

10. It is clarified that till appropriate orders are passed on the representation of the petitioner dated
30-09-2004, the impugned proceedings shall not be given effect to.

11. With the above directions, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.VARMA, J

14TH MARCH 2005

Note:

Issue CC in two days

(B/o)

ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Govt. of Andhra Pradesh,

Cooperation Department, Secretariat, Hyderabad.
2 The Deputy Registrar/Officer on Special Duty,

District Cooperative Central Bank Ltd., rep.by its General Manager,

Vizianagaram, Vizianagaram District.
3 The Senior Inspector / Sale officer, District Cooperative

Central Bank Ltd., Vizianagaram, Vizianagaram District.
4 The Chief Executive officer, Khadi & Village Industries Board,

Humayun Nagar, Hyderabad.

5. Two CD copies

6. Two CCs to the G.P. for Co-operation, High Court buildings,

Hyderabad (OUT).